APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,074	03/28/2000	Michiaki Yoneda	Sony-T0349	5358

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ART UNIT	PAPER NUMBER
2155	13

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 July 2003</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>7-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>7-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>18 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

Claims 1-6 have been cancelled.

Claims 7-22 have been presented for examination.

1.   Applicant's arguments with respect to claims 7-22 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Objections

2.   Claim 15 is objected to because of the following informalities: "apparatus" in

lines 2, 4 and 9 should be means or component. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claim 9-10 and 21 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Regarding claim 21, the limitation "the update data added to the retrieval file

name" is not being clear.

Regarding claims 9 and 10, the features "linking an image file to said HTML file

as part of the update data" and "linking an image file to said HTML file as part of the

update data " are not clear. How data can include a process of linking.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hsiao et al (Hsiao) (US 6,266,784) in view of Kazu (JP04-153140).

Regarding claim 13, Hsiao teaches a storage medium on which an information

supplying program is stored, said information supplying program comprising a data

updating step in which data stored in an open storage area allowed to be freely

accessed via a network is replaced with update data at a specified time (e.g., see col. 4

lines 7-21 and lines 58-62); a file name is included with backup data produced from said

update data to form a backup retrieval file, and said backup retrieval file is saved in a

retrieval storage area (e.g., see col.6 lines 22-54); and a retrieving step in which the

backup retrieval file is retrieved from said storage area and retrieved backup retrieval

file data is transferred via said network to a client which has requested said retrieved

backup retrieval data (e.g., see col. 5 lines 46-59 and col. 9 lines 5-9). Hsiao does not

explicitly teach a file name is produced as claims. However, Kazu teaches producing a

retrieval file name by adding data, which represents a date and time (see page 1

paragraphs 5-6 and page 3 paragraph 31). Therefore, it would have been obvious to a

person of ordinary skill in the art at the time the invention was made to applied said file

name to the backup file in the system of Hsiao as taught by Kazu because such file

name contains the date and time as a file name is generated. Thus, a duplication of a

file name would be avoided (Kazu, see page 1 paragraph 6).

Regarding claim 14, Hsiao teaches automatic updating (e.g., see col. 1 lines 65-

67) in which retrieved data from the backup retrieval file is overwritten into said open

storage area (e.g., see col. 4 lines60-62 and col. 9 lines 6-10). Hsiao does not explicitly

teach a file name as claims. However, Kazu teaches a file name having added data,

which represents a date and time (see page 1 paragraphs 5-6 and page 3 paragraph

31). Therefore, it would have been obvious to a person of ordinary skill in the art at the

time the invention was made to applied said file name to the backup file in the system of

Hsiao as taught by Kazu because such file name contains the date and time as a file

name is generated. Thus, a duplication of a file name would be avoided (Kazu, see

page 1 paragraph 6).

Regarding claim 15, Hsiao teaches an information supplying apparatus

comprising a data updating apparatus for replacing data stored in an open storage area,

which is allowed to be freely accessed via a network, with update data at a specified

time (e.g., see col. 4 lines 7-21 and lines 58-62); assigning said retrieval file name to the

backup data produced from said update data to form a backup retrieval file, and saving

said backup retrieval file in a retrieval storage area (e.g., see col.6 lines 22-54); and a

retrieving apparatus for searching said retrieval storage area for the backup retrieval file

via said network and transferring retrieved backup retrieval file data via said network to

a client which has requested said retrieval backup retrieval file data (e.g., see col. 5

lines 46-59 and col. 9 lines 5-9). Hsiao does not explicitly teach a file name is produced

as claims. However, Kazu teaches producing a retrieval file name by adding data, which

represents a date and time (see page 1 paragraphs 5-6 and page 3 paragraph 31).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to applied said file name to the backup file in the system of

Hsiao as taught by Kazu because such file name contains the date and time as a file

name is generated. Thus, a duplication of a file name would be avoided (Kazu, see

page 1 paragraph 6).

Regarding claim 16, Hsiao teaches automatic updating (e.g., see col. 1 lines 65-

67) for retrieving a backup retrieval file and replacing the data stored in the open

storage area by overwriting the data stored in the open storage area (e.g., see col. 4

lines60-62 and col. 9 lines 6-10). Hsiao does not explicitly teach a file name as claims.

However, Kazu teaches a file name having added data, which represents a date and

time (see page 1 paragraphs 5-6 and page 3 paragraph 31). Therefore, it would have

been obvious to a person of ordinary skill in the art at the time the invention was made

to applied said file name to the backup file in the system of Hsiao as taught by Kazu

because such file name contains the date and time as a file name is generated. Thus, a

duplication of a file name would be avoided (Kazu, see page 1 paragraph 6).

5.   Claims 12, 17, 18 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Tarabella (US 5,796,945) in view of Kazu (JP04-153140).

Regarding claim 17, Tarabella teaches a method of storing and retrieving data,

comprising steps of specifying update data to update current data in a data file stored in

an open storage area freely accessed via a network using an associated file name (e.g., see col. 7 lines 58-60); specifying update conditions including at least at specified update time of day for updating the current data with the update data (e.g., see col. 7 lines 28-31); performing the updating of the current data with the update data in accordance with the specified update condition (e.g., see col. 7 lines 28-39). Tarabella does not explicitly teach modifying file name and combining the file name with a file as claimed. However, Kazu teaches modifying the accessible file name to include an indication of the specified update conditions to form a retrieval file name (DETAIL DESCRIPTION, e.g., see page 3 paragraph 31); combining the retrieval file name with at least the update data to form a back-up retrieval file and saving the back-up retrieval file in a retrieval storage area (e.g., see EXAMPLE, page 2 paragraph 19). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to applied the file name to the file in the system of Tarabella as taught by Kazu because such file name contains the date and time as a file name is generated. Thus, a duplication of a file name would be avoided (Kazu, see page 1 paragraph 6).

Regarding claim 18, Tarabella teaches limiting access to said retrieval storage area via said network (e.g., see col. 7 lines 19-27).

Regarding claim 22, Tarabella teaches comparing a client request to the specified update conditions in the stored retrieval file names of the backup retrieval files saved in the retrieval storage area to determine the back-up retrieval file to be retrieved; and retrieving the back-up retrieval file indicated by the client request (e.g., see col. 8 lines 30-35).

Regarding claim 12, Tarabella teaches updating step is perform automatically at a predetermined time of each day as the at least a specified update time (e.g., see col. 7 lines 29-39). Tarabella does not explicitly teach file name having added data representing a time. However, Kazu teaches teach file name having added data representing a time (DETAIL DESCRIPTION, e.g., see page 3 paragraph 31). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to applied the file name to the file in the system of Tarabella as taught by Kazu because such file name contains the date and time as a file name is generated. Thus, a duplication of a file name would be avoided (Kazu, see page 1 paragraph 6).

6.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tarabella (US 5,796,945) in view of Kazu (JP04-153140) in further view of Nathan et al (Nathan) (US 6,240,550 B1).

Regarding claim 19, the combination of teachings of Tarabella and Kazu does not explicitly teach forming the open storage area and retrieval storage area in different directories of the same storage device. However, Nathan teaches teach forming the open storage area and retrieval storage area in different directories of the same storage device (e.g., see col. 8 lines 21-43). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form directories in combination of teachings of Tarabella and Kazu as taught by Nathan because such

directories would provide information locally without remote accessing. Thus, the

system performance would have improved in term of time-consuming.

7.   Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tarabella (US 5,796,945) in view of Kazu (JP04-153140) in further view of Tatematsu

(JP 10240604 A).

        Regarding claims 20 and 21, the combination of teachings of Tarabella and Kazu

does not explicitly teaches limiting the update data to only portions of the current data

that have changed. However, Tatematsu teaches limiting the update data to only

portions of the current data that have changed (e.g., see abstract). Therefore, it would

have been obvious to a person of ordinary skill in the art at the time the invention was

made to update only a portion of data in the combination of teachings of Tarabella and

Kazu as taught by because updating a portion would require only of the contents of

updating to be transferred, thus the traffic on the Internet would be reduced. .

8,   Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tarabella in view of Kazu (JP 06153140 A) in further view of Curtis et al (Curtis) (US

6,278,992 B1).

        Regarding claim 7, the combination of teachings of Tarabella and Kazu does not

teach the WWW server and index file as claimed. However, Curtis teaches Internet;

updating, backing up and retrieving are performed by WWW server which supplies a

web page via Internet; and update and backup data include an index file describing a

link to another web page (see fig. 32 cols 23-23 lines 22-20). Therefore, it would have

been obvious to have used the WWW server and index file in the combination of

teachings of Tarabella and Kazu as taught by Curtis because such an indexing method

would provide advantages to organizing the tremendous amount of information on the

Internet and for searching such information in a fast and efficient process.

Regarding claims 8-11, Curtis further teaches index file is in the form of a HTML

file; and image, audio or program linked to HTML file (see cols 23-24 lines 22-20).

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-

0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

O.D
October 3, 2003

FRANTZ B. JEAN
PRIMARY EXAMINER